

**REMARKS**

Applicants respectfully request further examination and reconsideration in view of the arguments set forth fully below. Claims 1- 37 were previously pending in this application. Claims 1-37 have been rejected. By the above amendment, new Claims 38-63 have been added. Claims 1-63 are now pending in this application.

**Rejections Under 35 U.S.C. § 103**

Within the Office Action, Claims 1-37 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,526,581 to Edson (hereinafter "Edson") in view of U.S. Patent No. 6,470,378 to Tracton et al. (hereinafter "Tracton") and U.S. Patent No. 6,169,725 to Gibbs et al. (hereinafter "Gibbs"). The applicants respectfully disagree. Edson teaches a multi-service in-home network with an open interface. Edson teaches using a gateway providing an open software interface to control in-home communications and to enable in-home devices of various divergent technologies to selectively access external communication features. [Edson, col. 5, lines 27-30] Edson teaches that the use of an open interface enables many different types of devices to communicate, and when desired to access external communication resources, through the in-home network media and the centralized gateway. [Edson, col. 5, lines 30-35] As recognized within the Office Action, Edson does not teach determining device ID information for the devices within the network and providing a configuration profile to a server over the Internet.

Tracton teaches dynamic content customization in a client server environment. Tracton teaches that the server sends a query to the client, requesting the client to identify its capabilities. [Tracton, col. 3, lines 55-58]. Tracton further teaches that the client then sends to the server a characteristic profile indicating to the server the client's available computing resources and network bandwidth. [Tracton, col. 3, lines 58-62] Tracton teaches that the server then is able to prepare or direct the client to appropriate resources. [Tracton, col. 3, lines 62-65] Tracton does not teach determining device ID information and a configuration profile for one or more selected consumer electronic devices within a home network system. Tracton only teaches that the client provides its own characteristic profile to the server.

Gibbs teaches an apparatus and method for restoration of internal connections in a home audio/video system. Gibbs teaches a HAVI network of devices in which when a new device is

connected to the network, the communication media manager (CMM) gathers the global unique identifier (GUID) from the configuration ROM of the new device. Gibbs does not teach that the GUID of any of the devices within the HAVI network is provided through a gateway to a server and used to generate a configuration profile of the network of devices.

This is a classic case of impermissibly using hindsight to make a rejection based on obviousness. The Court of Appeals for the Federal Circuit has stated that “it is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious.” In Re Fritch, 972 F.2d, 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). As discussed above, Edson teaches a multi-service network with an open interface. Tracton is not directed to a network of devices, but only to communications between a server and a client. Gibbs is directed to a network of devices operating according to a HAVi protocol. There is no hint, teaching or suggestion in any of these references to warrant their combination. As discussed above, Tracton is not directed to a network of devices. Further, none of the cited references Edson, Tracton, Gibbs nor their combination teach or make obvious determining device ID information for devices within a network and providing a configuration profile to a server over the Internet. To conclude that this is obvious based on the teachings of these references, is to use hindsight based on the teachings of the present invention and to read much more into Edson, Tracton and Gibbs than their actual teachings. This is simply not permissible based on the directive from the Court of Appeals for the Federal Circuit.

It is well settled that to establish a *prima facie* case of obviousness, three basic criteria must be met:

- 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) there must be a reasonable expectation of success; and
- 3) the prior art reference, or references, must teach or suggest all the claim limitations. MPEP § 2143.

The burden of establishing a *prima facie* case of obviousness based on the teachings of Edson, Tracton and Gibbs has not been met within the Office Action.

There is no motivation to combine the teachings of Edson with Tracton and Gibbs. As discussed above, Edson relates to a multi-service network with an open interface. Tracton is not directed to a network of devices, but only to communications between a server and a client. Gibbs is directed to a network of devices operating according to a HAVi protocol.

Even if considered proper, the combination of Edson, Tracton and Gibbs does not teach the present invention, as claimed. As discussed above, Edson teaches a multi-service network with an open interface. Edson does not teach determining device ID information for the devices within the network and providing a configuration profile to a server over the Internet. Tracton does not teach determining device ID information and a configuration profile for one or more selected consumer electronic devices within a home network system. Tracton teaches that a client provides only its own characteristic profile to a server. As discussed above, Gibbs teaches that the GUID information is used by devices within the network. Gibbs does not teach that the GUID of any of the devices within the HAVI network is provided through a gateway to a server and used to generate a configuration profile of the network of devices. Accordingly, neither Edson, Tracton, Gibbs nor their combination teach determining device ID information for devices within a network and providing a configuration profile to a server over the Internet.

In contrast to the teachings of Edson, Tracton, Gibbs and their combination, the present invention is directed to a system and method for identifying, accessing and managing service applications for use with associated devices in a network of devices. A gateway device determines device ID information associated with the devices in the network of devices, determines a network system configuration protocol based on the device ID information and provides the configuration profile to a selected server over the Internet. The server determines an application operative to provide a process associated with selected devices within the network of devices and communicates that application to the gateway device. The gateway device executes the application to provide a remote interactive process associated with the selected devices. As discussed above, neither Edson, Tracton, Gibbs nor their combination teach determining device ID information for devices within a network and providing a configuration profile to a server over the Internet. Further, neither Edson, Tracton, Gibbs nor their combination teach executing an application at a gateway device that was received from a server and is used to provide a remote interactive process with selected devices in the network of devices.

Claim 1 is an independent claim directed to a process of identifying and managing applications for use with associated consumer electronic devices in a home network system, the process for execution by a gateway device communicatively coupled with each of the electronic devices via a home network, the gateway device being operative to access the Internet. The process of Claim 1 comprises determining device ID information associated with at least one selected one of the consumer electronic devices in the home network system, determining a home network system configuration profile based at least on said device ID information,

providing said home network system configuration profile to a selected server computing system via the Internet, downloading an application from the selected server computing system, the application being operative to provide a process associated with said electronic devices and executing said downloaded application at the gateway device to provide a remote interactive process associated with said selected electronic devices. As discussed above, neither Edson, Tracton, Gibbs nor their combination teach determining device ID information associated with at least one selected one of the consumer electronic devices in the home network system and determining a home network system configuration profile based at least on said device ID information. Further, neither Edson, Tracton, Gibbs nor their combination teach providing a home network system configuration profile to a selected server computer system via the Internet. Still further, neither Edson, Tracton, Gibbs nor their combination teach executing an application at a gateway device that was received from a server to provide a remote interactive process with said selected electronic devices. For at least these reasons, the independent Claim 1 is allowable over the teachings of Edson, Tracton, Gibbs and their combination.

Claims 2-14 are dependent on the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Edson, Tracton, Gibbs and their combination. Accordingly, the dependent Claims 2-14 are all also allowable as being dependent on an allowable base claim.

The independent Claim 15 is directed to a process of identifying and providing applications associated with consumer electronic devices, the process for execution by a server computing system that is communicatively coupled with at least one client computing system via the Internet. The process of Claim 15 comprises receiving a home network system configuration profile from a client computing system, the profile including device ID information indicating at least one selected consumer electronic device in a home network system, determining a selected application associated with said selected devices based on said configuration profile and providing said selected application to the client computing system, said application including instructions executable by the client computing system for providing a process associated with said selected devices. As discussed above, neither Edson, Tracton, Gibbs nor their combination teach receiving a home network system configuration profile from a client computing system, the profile including device ID information indicating at least one selected consumer electronic device in a home network system. Further, neither Edson, Tracton, Gibbs nor their combination teach determining a selected application associated with said selected devices based on the configuration profile. For at least these reasons, the independent Claim 15 is allowable over the teachings of Edson, Tracton, Gibbs and their combination.

Claims 16-27 are dependent on the independent Claim 15. As discussed above, the independent Claim 15 is allowable over the teachings of Edson, Tracton, Gibbs and their combination. Accordingly, the dependent Claims 16-27 are all also allowable as being dependent on an allowable base claim.

The independent Claim 28 is directed to a process of identifying and accessing media content for use with associated consumer electronic devices in a home network system, the process for execution by a gateway device communicatively coupled with each of the electronic devices via a home network, the gateway device being operative to access the Internet. The process of Claim 28 comprises determining device ID information associated with at least one selected one of the consumer electronic devices in the home network system, determining a home network system configuration profile based at least on said device ID information, providing said home network system configuration profile to a selected server computing system via the Internet and downloading selected media content from the selected server computing system. As discussed above, neither Edson, Tracton, Gibbs nor their combination teach determining device ID information associated with at least one selected one of the consumer electronic devices in the home network system and determining a home network system configuration profile based at least on said device ID information. Further, neither Edson, Tracton, Gibbs nor their combination teach providing a home network system configuration profile to a selected server computer system via the Internet. Still further, neither Edson, Tracton, Gibbs nor their combination teach downloading selected media content from the selected server computing system. For at least these reasons, the independent Claim 28 is allowable over the teachings of Edson, Tracton, Gibbs and their combination.

Claims 29-37 are dependent on the independent Claim 28. As discussed above, the independent Claim 28 is allowable over the teachings of Edson, Tracton, Gibbs and their combination. Accordingly, the dependent Claims 29-37 are all also allowable as being dependent on an allowable base claim.

For the reasons given above, Applicants respectfully submit that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: January 26, 2004

By: Jonathan O. Owens  
Jonathan O. Owens  
Reg. No. 37,902  
Attorneys for Applicants